

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11800 of 2023

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Kumari Priya Sinha W/o Rakesh Kumar, R/o- Vill- Selhour, P.O- Belhauri,
P.S.- Dulhin Bazar, Dist.- Patna presently Working as Lower Division Clerk
in Additional Primary Health Centre, Jalpura, Naubatpur, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary Health Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, Health Department, Government of Bihar, Patna.
3. The Civil Surgeon, Patna, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gyan Shankar, Adv.
For the Respondent/s : Mr. Mujtabaul Haque (GP 12)
Mr. Pranoy Kumar, AC to GP-12

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 25-09-2023 On mentioning slip being filed for priority listing, the matter has been listed today under the heading 'To Be Mentioned'.

2. Heard learned counsel for the petitioner and learned counsel for the State.

3. Learned counsel for the petitioner submits that the petitioner is entitled to the Pay scale of Rs. 4,000- 6,000 in terms of decision of the Division Bench passed in ***L.P.A. No. 167 of 2016.***

4. Learned counsel for the State submits that entitlement to the Scale is subject to consideration by a Larger



Bench in terms of order passed in *Civil Review No. 236/2019* and *C.W.J.C. No. 23831/2018*, whereby and whereunder matter has been referred to a Larger Bench.

5. It is further submitted by learned counsel for the petitioner that there being no interim stay in respect of the orders which are pending consideration before the Larger Bench, the State authorities have been extending the benefit of the claimed scale pay subject to order being passed by the Larger Bench.

6. Learned counsel for the petitioner has referred to two departmental communications dated 10-11-2022, bearing Memo No. 10465 issued by the Finance Department and one letter dated 23-01-2023, bearing Memo No. 1620 issued by the General Administration Department, Government of Bihar. It is further submitted that petitioner's representation for grant of benefit, copy of which is Annexure- 25 series to the writ petition, is pending consideration before the Civil Surgeon, Patna Bihar (respondent No. 3). Petitioner would be placing on record before respondent No. 3 the two communications of the Finance Department and General Administration Department, noted above, for consideration of grant of benefit on the ground of parity with others, who have been granted benefit, subject to



the result of the proceedings pending before the Larger Bench.

7. Learned counsel for the petitioner submits that petitioner would be filing her representations/ supplement to the representations within two weeks. If the same is done, it is expected that the respondent No. 3 will pass a reasoned and speaking order in accordance with law within eight weeks thereafter.

8. Accordingly, writ petition is disposed of.

(Madhuresh Prasad, J)

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